IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

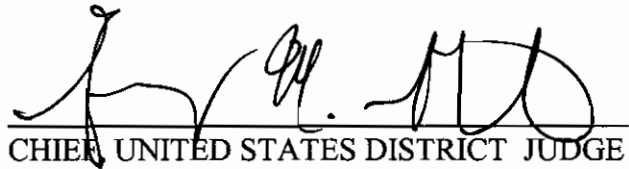|		
FINJAN SOFTWARE, LTD.,	)	
	)	
Plaintiff-Counterdefendant,	)	
	)	
v.	)	Civil Action No. 06-369 (GMS)
	)	
SECURE COMPUTING	)	
CORPORATION, CYBERGUARD	)	
CORPORATION and WEBWASHER AG	)	
	)	
Defendants-	)	
Counterclaimants.	)	
	)	

JUDGMENT

This action came before the Court for a trial by jury. The issues have been tried and the jury

rendered its verdict on March 12, 2008. The verdict was accompanied by a verdict form (D.I. 226),

a copy of which is attached hereto. Therefore,

IT IS HEREBY ORDERED AND ADJUDGED that judgment be and is hereby entered in

favor of the plaintiff, FINJAN SOFTWARE, LTD., and against the defendants, SECURE

COMPUTING CORPORATION, CYBERGUARD CORPORATION and WEBWASHER AG (the

"SECURE Defendants"), that the SECURE Defendants literally infringe Claims 1, 2, 4, 5, 6, 7, 8,

9, 10, 11, 12, 13, 14, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, and 65 of U.S. PATENT NO.

6,092,194, that the SECURE Defendants infringe Claim 3 of U.S. PATENT NO. 6,092,194 under

the doctrine of equivalents, that the SECURE Defendants infringe Claims 1, 2, 3, 4, 5, 6, 9, 10, 11,

12, 13, 14, 18 of U.S. PATENT NO. 6,804,780 under the doctrine of equivalents, that the SECURE

Defendants literally infringe Claims 4, 6, 8, 12, and 13 of U.S. PATENT NO. 7,058,822, that the

SECURE Defendants' infringement was willful, and that the SECURE Defendants' infringement

is in the amount of the reasonable royalty rate of 16 PERCENT (16%) regarding Webwasher

Software applied to FORTY-NINE MILLION DOLLARS ($49,000,000) in sales, 8 PERCENT (8%)

regarding Webwasher Hardware Appliances applied to THREE MILLION TWO HUNDRED FIFTY

THOUSAND DOLLARS ($3,250,000) in sales, and 8 PERCENT (8%) regarding Cyberguard TSP

Hardware Appliances applied to THIRTEEN MILLION FIVE HUNDRED THOUSAND

($13,500,000) in sales.

Dated: March 2?, 2008

_____

CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

FINJAN SOFTWARE, LTD., an Israel
corporation,

                 Plaintiff,

                 v.

SECURE COMPUTING CORPORATION,
a Delaware corporation, CYBERGUARD,
CORPORATION, a Delaware corporation,
WEBWASHER AG, a German corporation
and DOES 1 THROUGH 100,

                 Defendants.

Civil Action No. 06-369 GMS

JOINT SPECIAL VERDICT FORM

A.   **Finjan Software Ltd.'s ("Finjan Software") Patent Infringement Claims Against Secure Computing Corporation, Cyberguard Corporation, Webwasher AG ("Secure Computing")**

Literal Infringement

1.   Do you find that Finjan Software has proven by a preponderance of the evidence that Secure Computing literally infringes any of the asserted claims of U.S. Patent No. 6,092,194? *Answer this question regarding infringement of the '194 patent with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

    YES ___✓___   NO_____

If you answered "NO," please proceed to Question No. 2.

If you answered "YES," please mark the claims you found to be infringed:

Claim 1: ✓	Claim 2: ✓	Claim 3: _____	Claim 4: ✓
Claim 5: ✓	Claim 6: ✓	Claim 7: ✓	Claim 8: ✓
Claim 9: ✓	Claim 10: ✓	Claim 11: ✓	Claim 12: ✓
Claim 13: ✓	Claim 14: ✓	Claim 24: ✓	Claim 25: ✓
Claim 26: ✓	Claim 27: ✓	Claim 28: ✓	Claim 29: ✓
Claim 30: ✓	Claim 32: ✓	Claim 33: ✓	Claim 34: ✓
Claim 35: ✓	Claim 36: ✓	Claim 65: ✓	

2.   Do you find that Finjan Software has proven by a preponderance of the evidence that Secure Computing literally infringes any of the asserted claims of U.S. Patent No. 6,804,780? *Answer this question regarding infringement of the '780 patent with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

    YES _____   NO___✓___

If you answered "NO", please proceed to Question No. 3.

If you answered "YES," please mark the claims you found to be infringed:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 9: _____	Claim 10: _____
Claim 11: _____	Claim 12: _____	Claim 13: _____	Claim 14: _____
Claim 18: _____			

3.   Do you find that Finjan Software has proven by a preponderance of the evidence that Secure Computing literally infringes any of the asserted claims of U.S. Patent No. 7,058,822? *Answer this question regarding infringement of the '822 patent with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

YES __✓__   NO_____

If you answered "NO," please proceed to Question No. 4.

If you answered "YES," please mark the claims you found to be infringed:

Claim 4: __✓__   Claim 6: __✓__   Claim 8: __✓__   Claim 12: __✓__

Claim 13: __✓__

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Infringement Under The Doctrine of Equivalents

Skip Question 4 if you answered "YES" to Question 1 and found literal infringement of all asserted claims of U.S. Patent No. 6,092,194.

4.   If you did not find that Secure Computing literally infringes some or all of the claims of U.S. Patent No. 6,092,194 under Question 1, do you find that Finjan Software has proven by a preponderance of the evidence that Secure Computing infringes any of those claims under the doctrine of equivalents? *Answer this question regarding infringement of the '194 patent under the doctrine of equivalents with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

YES ____✓____   NO_____

If you answered "NO", please proceed to Question No. 5.

If you answered "YES," please mark the claims you found to be infringed under the doctrine of equivalents:

Claim 1: _____	Claim 2: _____	Claim 3: __✓__	Claim 4: ____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: ____
Claim 9: _____	Claim 10:_____	Claim 11:_____	Claim 12:____
Claim 13:____	Claim 14: _____	Claim 24:_____	Claim 25:____
Claim 26:____	Claim 27: _____	Claim 28: _____	Claim 29:____
Claim 30:____	Claim 32:_____	Claim 33:_____	Claim 34:____
Claim 35:____	Claim 36:_____	Claim 65:_____	

Skip Question 5 if you answered "YES" to Question 2 and found literal infringement of all asserted claims of U.S. Patent No. 6,804,780.

5.   If you did not find that Secure Computing literally infringes some or all of the claims of U.S. Patent No. 6,804,780 under Question 2, do you find that Finjan Software has proven by a preponderance of the evidence that Secure Computing infringes any of those claims under the doctrine of equivalents? *Answer this question regarding infringement of the '780 patent under the doctrine of equivalents with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

YES ___✓___   NO _____

If you answered "NO," please proceed to Question No. 6.

If you answered "YES," please mark the claims you found to be infringed under the doctrine of equivalents:

Claim 1: ___✓___   Claim 2: ___✓___   Claim 3: ___✓___   Claim 4: ___✓___

Claim 5: ___✓___   Claim 6: ___✓___   Claim 9: ___✓___   Claim 10:___✓___

Claim 11:___✓___   Claim 12: ___✓___   Claim 13:___✓___   Claim 14:___✓___

Claim 18:___✓___

Skip Question 6 if you answered "YES" to Question 3 and found literal infringement of all asserted claims of U.S. Patent No. 7,058,822.

6.   If you did not find that Secure Computing literally infringes some or all of the claims of U.S. Patent No. 7,058,822 under Question 3, do you find that Finjan Software has proven by a preponderance of the evidence that Secure Computing infringes any of those claims under the doctrine of equivalents? *Answer this question regarding infringement of the '822 patent under the doctrine of equivalents with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

YES _____   NO_____

If you answered "NO," please proceed to Question No. 7.

If you answered "YES," please mark the claims you found to be infringed under the doctrine of equivalents:

Claim 4: _____   Claim 6: _____   Claim 8: _____   Claim 12:_____

Claim 13:_____

Willful Infringement

7.   If your answer was "YES" for any of Questions 1, 2, 3, 4, 5, or 6, was Secure Computing's infringement willful?

YES ___✓___   NO_____

B.   **Secure Computing's Patent Invalidity Claims Against Finjan Software**

Anticipation

8.   Do you find that Secure Computing has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 6,092,194 are invalid because they are anticipated by prior art? *Answer this question regarding validity of the '194 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO__ ✓

If you answered "NO," please proceed to Question No. 9.

If you answered "YES," please mark the claims you found to be anticipated by prior art:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: _____
Claim 9: _____	Claim 10:_____	Claim 11:_____	Claim 12:_____
Claim 13:_____	Claim 14: _____	Claim 24:_____	Claim 25:_____
Claim 26:_____	Claim 27: _____	Claim 28: _____	Claim 29:_____
Claim 30:_____	Claim 32:_____	Claim 33:_____	Claim 34:_____
Claim 35:_____	Claim 36:_____	Claim 65:_____	

9.   Do you find that Secure Computing has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 6,804,780 are invalid because they are anticipated by prior art? *Answer this question regarding validity of the '780 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO__ ✓

If you answered "NO," please proceed to Question No. 10.

If you answered "YES," please mark the claims you found to be anticipated by prior art:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 9: _____	Claim 10:_____
Claim 11:_____	Claim 12:_____	Claim 13:_____	Claim 14:_____
Claim 18:_____			

10.   Do you find that Secure Computing has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,058,822 are invalid because they are anticipated by prior art? *Answer this question regarding validity of the '822 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO ___✓___

If you answered "NO," please proceed to Question No. 11.

If you answered "YES," please mark the claims you found to be anticipated by prior art:

Claim 4: _____   Claim 6: _____   Claim 8: _____   Claim 12:_____

Claim 13:_____

Obviousness

11.   Do you find that Secure Computing has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 6,092,194 are obvious in light of the prior art? *Answer this question regarding validity of the '194 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO ___✓___

If you answered "NO", please proceed to Question No. 12.

If you answered "YES," please mark the claims you found to be obvious in light of the prior art:

Claim 1: _____   Claim 2: _____   Claim 3: _____   Claim 4: _____

Claim 5: _____   Claim 6: _____   Claim 7: _____   Claim 8: _____

Claim 9: _____   Claim 10:_____   Claim 11:_____   Claim 12:_____

Claim 13:_____   Claim 14: _____   Claim 24:_____   Claim 25:_____

Claim 26:_____   Claim 27: _____   Claim 28: _____   Claim 29:_____

Claim 30:_____   Claim 32:_____   Claim 33:_____   Claim 34:_____

Claim 35:_____   Claim 36:_____   Claim 65:_____

12.   Do you find that Secure Computing has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 6,804,780 are obvious in light of the prior art? *Answer this question regarding validity of the '780 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO __✓___

If you answered "NO", please proceed to Question No. 13.

If you answered "YES," please mark the claims you found to be obvious in light of the prior art:

Claim 1: _____   Claim 2: _____   Claim 3: _____   Claim 4: ____

Claim 5: _____   Claim 6: _____   Claim 9: _____   Claim 10: ____

Claim 11: _____   Claim 12: _____   Claim 13: _____   Claim 14: ____

Claim 18: _____

13.   Do you find that Secure Computing has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,058,822 are obvious in light of the prior art? *Answer this question regarding validity of the '822 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO __✓___

If you answered "NO", please proceed to Question No. 14.

If you answered "YES," please mark the claims you found to be obvious in light of the prior art:

Claim 4: ____   Claim 6: ____   Claim 8: ____   Claim 12: ____

Claim 13: ____

C.   Damages for Finjan Software's Patent Infringement Claims Against Secure Computing

Webwasher Software

14.   If you have found that one or more of the asserted claims of U.S. Patent No. 6,092,194, U.S. Patent No. 6,804,780, and/or U.S. Patent No. 7,058,822 are valid and infringed by Secure Computing's Webwasher Software, then what is the reasonable royalty rate to which Finjan Software has proven by a preponderance of the evidence and the amount of sales of the Webwasher Software that the royalty rate should be applied to?

_____16_____ % $ ___49,000,000___

Webwasher Hardware Appliances

15.   If you have found that one or more of the asserted claims of U.S. Patent No. 6,092,194, U.S. Patent No. 6,804,780, and/or U.S. Patent No. 7,058,822 are valid and infringed by Secure Computing's Webwasher Hardware Appliances, then what is the reasonable royalty rate to which Finjan Software has proven by a preponderance of the evidence and the amount of sales of the Webwasher Hardware Appliances that the royalty rate should be applied to?

_____8_____ % $ ___3,250,000___

Cyberguard TSP Hardware Appliances

16.   If you have found that one or more of the asserted claims of U.S. Patent No. 6,092,194, U.S. Patent No. 6,804,780, and/or U.S. Patent No. 7,058,822 are valid and infringed by Secure Computing's Cyberguard TSP Hardware Appliances, then what is the reasonable royalty rate to which Finjan Software has proven by a preponderance of the evidence and the amount of sales of the Cyberguard TSP Hardware Appliances that the royalty rate should be applied to?

_____8_____ % $ ___13,500,000___

D.   **Secure Computing Corporation's ("Secure Computing") Patent Infringement Claims Against Finjan Software, Ltd. and Finjan Software, Inc. ("Finjan")**

Literal Infringement

17.   Do you find that Secure Computing has proven by a preponderance of the evidence that Finjan literally infringes any of the asserted claims of U.S. Patent No. 7,185,361? *Answer this question regarding infringement of the '361 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO __✓__

If you answered "NO," please proceed to Question No. 18.

If you answered "YES," please mark the claims you found to be infringed:

Claim 1: _____   Claim 2: _____   Claim 3: _____   Claim 4: ____

Claim 5: _____   Claim 7: _____   Claim 8: _____   Claim 9: ____

Claim 10: _____   Claim 11: _____   Claim 12: ____   Claim 14: ____

Claim 15: _____

18.   Do you find that Secure Computing has proven by a preponderance of the evidence that Finjan literally infringes Claim 37 of U.S. Patent No. 6,357,010? *Answer this question regarding infringement of the '010 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO __✓__

11

Inducing Infringement

Skip Question 19 if you answered "NO" to Question 17 and did not find literal infringement of the '361 patent.

19.   Do you find that Secure Computing has proven by a preponderance of the evidence that Finjan has induced infringement of any of the asserted claims of U.S. Patent No. 7,185,361? *Answer this question regarding inducing infringement of the '361 patent with "Yes" or "No." A "Yes" is a finding for Secure Computing. A "No" is a finding for Finjan.*

YES _____   NO_____

If you answered "NO," please proceed to Question No. 20.

If you answered "YES," please mark the claims you found to be infringed by inducement:

Claim 1: _____   Claim 2: _____   Claim 3: _____   Claim 4: ____

Claim 5: _____   Claim 7: _____   Claim 8: _____   Claim 9: ____

Claim 10:_____   Claim 11:_____   Claim 12:____   Claim 14:____

E.   **Finjan's Patent Invalidity Claims Against Secure Computing**

Anticipation

20.   Do you find that Finjan has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,185,361 are invalid because they are anticipated by prior art? *Answer this question regarding validity of the '361 patent with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

YES _____   NO___✓____

If you answered "NO," please proceed to Question No. 21.

If you answered "YES," please mark the claims you found to be anticipated by prior art:

Claim 1: _____   Claim 2: _____   Claim 3: _____   Claim 4: ____

Claim 5: _____   Claim 7: _____   Claim 8: _____   Claim 9: ____

Claim 10:_____   Claim 11:_____   Claim 12:____   Claim 14:____

Claim 15:_____

21.   Do you find that Finjan has proven by clear and convincing evidence that Claim 37 of U.S. Patent No. 6,357,010 is invalid because it is anticipated by prior art? *Answer this question regarding validity of the '010 patent with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

YES _____   NO __✓___

If you answered "NO", please proceed to Question No. 22.

Obviousness

22.   Do you find that Finjan has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,185,361 are obvious in light of the prior art? *Answer this question regarding validity of the '361 patent with "Yes" or "No." A "Yes" is a finding for Finjan. A "No" is a finding for Secure Computing.*

YES _____   NO __✓___

If you answered "NO," please proceed to Question No. 23.

If you answered "YES," please mark the claims you found to be obvious in light of the prior art:

Claim 1: _____   Claim 2: _____   Claim 3: _____   Claim 4: _____

Claim 5: _____   Claim 7: _____   Claim 8: _____   Claim 9: _____

Claim 10: _____   Claim 11: _____   Claim 12: _____   Claim 14: _____

Claim 15: _____

23.   Do you find that Finjan has proven by clear and convincing evidence that Claim 37 of U.S. Patent No. 6,357,010 is invalid because it is obvious in light of the prior art?

YES _____   NO __✓___

F.   Damages for Secure Computing's Patent Infringement Claims Against Finjan

24.   If you have found that one or more of the asserted claims of U.S. Patent No. 7,185,361 are valid and infringed by Finjan's Vital Security NG Appliances, then what is the reasonable royalty rate to which Secure Computing has proven by a preponderance of the evidence and the amount of sales that the royalty rate should be applied to?

_____% $_____

25.   If you have found that Claim 37 of U.S. Patent No. 6,357,010 is valid and infringed by Finjan's Vital Security for Documents, then what is the reasonable royalty rate to which Secure Computing has proven by a preponderance of the evidence and the amount of sales that the royalty rate should be applied to?

_____% $_____